
SENATE BILL No. 324

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-1.5; IC 25-17.6.

Synopsis: Geologist licensing. Allows geologists to form professional corporations. Redefines "geology" and "public practice of geology" in the geologist licensing statute. Provides that failure to pay a renewal fee for a licensed professional geologist results in suspension of the license. Makes conforming changes. Repeals a statute defining "survey" as the geological survey.

Effective: July 1, 2005.

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January 6, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 324

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-1.5-1-8.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 8.5. "Licensed professional**
4 **geologist" has the meaning set forth in IC 25-17.6-1-6.5.**

5 SECTION 2. IC 23-1.5-2-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as
7 provided in subsections (c) and (d) and IC 25-2.1-5, a professional
8 corporation may be formed to render professional services as follows:

9 (1) One (1) or more accounting professionals may form a
10 professional corporation to render services that may legally be
11 performed only by an accounting professional.

12 (2) One (1) or more architectural or engineering professionals
13 may form a professional corporation to render services that may
14 legally be performed only by an architectural or engineering
15 professional.

16 (3) One (1) or more attorneys may form a professional corporation
17 to render services that may legally be performed only by an



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attorney.

(4) One (1) or more health care professionals may form a professional corporation to render services that may legally be performed only by a health care professional.

(5) One (1) or more veterinarians may form a professional corporation to render services that may legally be performed only by a veterinarian.

(6) One (1) or more real estate professionals may form a professional corporation to render services that may legally be performed only by a real estate professional.

(7) One (1) or more licensed professional geologists may form a professional corporation to render services that may be legally performed only by a licensed professional geologist.

(b) A foreign professional corporation may be admitted to render professional services in Indiana by complying with IC 23-1.5-5.

(c) A domestic professional corporation or a foreign professional corporation admitted to render professional services in Indiana:

(1) shall have at least one (1) shareholder who is licensed in Indiana; and

(2) may have at least one (1) shareholder who is licensed under the laws of another state to render similar professional services.

(d) In addition to the professional services permitted by its articles of incorporation, a professional corporation may invest its funds in any type of investment not prohibited by law.

SECTION 3. IC 25-17.6-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. "Engineering geology" means the application of geology to:**

(1) investigate;

(2) study;

(3) devise;

(4) develop; and

(5) implement;

solutions and measures for the prevention or remediation of problems and hazards that result from the interaction between geology and the engineered works and other activities of humans, including the geologic aspects of safe and appropriate planning, design, construction, and operation of engineered works.

SECTION 4. IC 25-17.6-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "Geologist" means a person who is qualified by the person's knowledge of the principles of geology acquired by:

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(1) professional education **culminating in a baccalaureate or an advanced degree in the geological sciences from an accredited college or university**; and

(2) practical experience **in the geological sciences**.

SECTION 5. IC 25-17.6-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. "Geology" means a science that has the following characteristics:

(1) Treats the earth as a whole.

(2) Includes the:

(A) investigation;

(B) analysis;

(C) classification; ~~and~~

(D) location; ~~and~~

(E) exploration;

of the rocks and other materials that compose the ~~earth's crust~~; **earth**, as they relate to geologic processes.

(3) Involves the study **and application of knowledge** of:

(A) **rocks, unconsolidated materials, fossils,** minerals, gases, ~~and~~ liquids, **and other earth and geologic materials** composing and contained ~~on and~~ within the ~~earth's crust~~; **and earth;**

(B) geologic materials and processes, **including the morphology, chemistry, physics, biology, and mathematics related to geologic materials and processes;**

(C) **natural geologic materials and processes affected by human activities; and**

(D) the preparation, use, and presentation of graphical depictions of the earth, its materials, and processes.

SECTION 6. IC 25-17.6-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) "Public practice of geology" means the performance of **and acceptance of responsibility for the geological aspects of a public or creative work or** service to ~~or for~~ the public in connection with the geological description, location, or evaluation of:

(1) geological **and earth** materials, liquids, and gases; and

(2) the natural **and human** processes **and hazards** acting upon ~~them~~ **geological and earth materials, liquids, and gases.**

(b) The term includes geological:

(1) consulting;

(2) investigating **and exploring;**

(3) evaluating;

(4) interpreting;

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- (4) (5) designing **models**; and
- (5) (6) planning **related to earth and aqueous materials and processes**;
- (7) **classifying and analyzing**;
- (8) **sampling**;
- (9) **remediating, restoring, and mitigating**;
- (10) **extricating, including extricating for public utilities (as defined in IC 8-1-2-1) and public works**;
- (11) **surveying and mapping, including the preparation and supervision of geological surveys and studies, geological maps, graphical depictions, and cross-sections, but excluding the public practice of land surveying (as defined in IC 25-21.5-1-7)**;
- (12) **researching**; and
- (13) **engineering geology**.

(c) The term includes the prediction, investigation, inspection, interpretation, and application of any geological and engineering geology aspects of public works and public utilities related to:

- (1) **public welfare**;
- (2) **safeguarding**:
 - (A) **life**;
 - (B) **health**;
 - (C) **property**;
 - (D) **natural resources**; or
 - (E) **the environment**; or
- (3) **development of preventive or remedial measures for hazards**.

(d) The term includes the prediction, investigation, inspection, interpretation, and application of any geological and engineering geology aspects affecting facilities and structures, including:

- (1) **dams**;
- (2) **levees**;
- (3) **impoundments**;
- (4) **public water wells**;
- (5) **waste disposal, spills, and rededication sites**; and
- (6) **public utilities**.

SECTION 7. IC 25-17.6-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) At least thirty (30) days before making the annual appointment to the board, the governor shall receive a list of not more than three (3) nominations for the appointment from a joint committee of the **Indiana geological survey established by IC 20-12-28-2** and representatives of

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professional organizations representing professional geologists in Indiana.

(b) Members appointed to the board shall be selected from the list submitted to the governor by the joint committee under subsection (a).

SECTION 8. IC 25-17.6-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The board shall meet:

(1) at least one (1) time each calendar year; and

(2) at other times considered necessary by:

(A) the chairman; or

(B) a quorum of the board;

upon being given at least ten (10) days notice.

(b) Each year the board shall:

(1) determine the cost incurred by the **Indiana geological survey established by IC 20-12-28-2** in administering the program for the licensure of professional geologists under this article; and

(2) if necessary, adjust the amount of the:

(A) licensure fee charged under IC 25-17.6-4-7; and

(B) renewal fee charged under IC 25-17.6-5-2;

to ensure that the program is self-supporting.

SECTION 9. IC 25-17.6-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The **Indiana geological survey established by IC 20-12-28-2** shall publish each year a roster showing the names and places of business of all licensed professional geologists.

(b) Copies of the roster described in subsection (a) shall be:

(1) made available to each person licensed;

(2) placed on file at the **Indiana geological survey established by IC 20-12-28-2**; and

(3) furnished to the public upon request.

SECTION 10. IC 25-17.6-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. The **Indiana geological survey established by IC 20-12-28-2** shall:

(1) establish and maintain necessary offices in Indiana;

(2) employ staff as necessary, including staff for the board; and

(3) prescribe the duties and compensation of all staff employed under subdivision (2).

SECTION 11. IC 25-17.6-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) An applicant for licensure shall pay a nonrefundable fee established by regulation of the board.

(b) All fees paid to and collected by the board under this section and

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IC 25-17.6-5 shall be deposited in a fund under the jurisdiction of the board.

(c) The **Indiana geological survey established by IC 20-12-28-2** shall be:

(1) designated to collect and disburse funds represented by the fees described in subsection (b); and

(2) required to execute a bond, with corporate surety, in an amount to be determined by the board.

SECTION 12. IC 25-17.6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. If a person fails to pay the renewal fee within ninety (90) days after the expiration date established by the board under this chapter, the person's

~~(1) license shall be suspended and~~

~~(2) name shall be deleted from the roster described in IC 25-17.6-3-10;~~

until the renewal fee is paid.

SECTION 13. IC 25-17.6-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If a person fails to pay the renewal fee for ~~two (2)~~ **three (3)** consecutive years, that person's license shall be revoked and may not be renewed.

(b) If a person whose license has been revoked under subsection (a) desires to be relicensed, the person:

(1) must submit an application to the board; and

(2) shall be considered as a new applicant.

SECTION 14. IC 25-17.6-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Each geologist may, upon licensure, obtain and use a seal or stamp of licensure of a design authorized by the board, containing the geologist's name and license number and the legend "**Licensed Professional Geologist**".

SECTION 15. IC 25-17.6-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a)** A geologist may not affix the geologist's signature, stamp, or seal, or certify any report or other geological document after the geologist's license has been suspended or revoked, unless the license has been renewed or reissued.

(b) An individual who is not licensed under this article may not assume or advertise a title or description conveying the impression that the person is a geologist regardless of the place of employment of the individual.

SECTION 16. IC 25-17.6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The following persons are exempt from the requirements of licensure under this article:

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(1) An officer or employee of the United States government, state government, or local government while engaged in providing geological services for the officer's or employee's employers.

(2) A person engaged solely in geological research or the instruction of geology.

(3) A person not engaged in the public practice of geology.

~~(4) A professional engineer registered under IC 25-31 who applies geology to the practice of engineering.~~

~~(5)~~ (4) A soil scientist who is certified as a soil classifier or soil scientist by the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) and the Indiana Association of Professional Soil Classifiers (IAPSC) and who applies geology in the practice of soil science.

SECTION 17. IC 25-17.6-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person who does any of the following commits a Class B misdemeanor:

(1) Falsely representing oneself as a licensed professional geologist in violation of IC 25-17.6-7-3.

(2) Presenting or attempting to use as the person's own a license or seal of another.

(3) Giving false or forged evidence to the board or to a member of the board in order to obtain a license.

(4) Falsely impersonating another geologist **or licensed professional geologist.**

(5) Using or attempting to use an expired or a revoked license to practice geology at any time during a period the board has suspended or revoked the license.

(6) Publicly practicing geology in Indiana or offering to publicly practice geology in Indiana without being licensed under this article in violation of IC 25-17.6-7-3.

(7) Falsely representing the person as a geologist.

SECTION 18. IC 25-17.6-1-9 IS REPEALED [EFFECTIVE JULY 1, 2005].

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